Politicization and Responsiveness in Executive Agencies

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Abstract

Scholarship on bureaucratic responsiveness to Congress typically focuses on delegation and formal oversight hearings. Overlooked are daily requests to executive agencies made by legislators that propose policies, communicate concerns, and request information or services. Analyzing over 24,000 of these requests made to 13 executive agencies between 2007-2014, I find agencies systematically prioritize the policy-related requests of majority party legislators—but that this effect can be counter-acted when presidents politicize agencies through appointments. An increase in politicization produces a favorable agency bias toward presidential co-partisans. This same politicization, however, has a net negative impact on agency responsiveness—agencies are less responsive to members of Congress, but even *less* responsive to legislators who are not presidential co-partisans. Critically, this negative impact extends beyond policy-related requests to cases of constituency service. The results suggest that presidential appointees play an important, daily mediating role between Congress and the bureaucracy.

Keywords: American politics, bureaucracy, president, politicization

Agencies in the executive branch are staffed by unelected officials and perform most national governance tasks. Not surprisingly, the accountability of these officials is a perennial concern for politicians and scholars alike. The expansion of a modern administrative state produced charges that Congress had "abdicated" its role as a policymaker and generated numerous theoretical and empirical accounts of the political control of executive agencies.[1]

To study the responsiveness of unelected officials to Congress, however, scholars most often focus on watershed moments—statutory delegation of authority[2] or high-profile investigations (e.g. Aberbach 1990; Kriner and Schwartz 2008)—leaving out the vast majority of day-to-day interactions. To put this in perspective: whereas the Federal Communications Commission (FCC) appeared in six oversight hearings in the 113th Congress, it received around 125 informal congressional inquiries *per month* in that same period. Most agencies have bureaus and offices dedicated to processing these manifold requests, which include classic cases of congressional casework, grant support letters, requests for information, and complaints about agency actions.

In this article, I argue that responsiveness to these congressional inquiries is moderated by presidential appointees. Scholarship on American bureaucracy consistently highlights officials' need to balance the preferences of multiple principals (Whitford 2005; Gailmard 2009; Bertelli and Grose 2009). Since agency responsiveness is a function of both agency effort and review procedures, political appointees become a key avenue for tipping agency priorities toward the sitting president. Thus, this study differs from canonical accounts of legislative-bureaucratic relations (e.g. Arnold 1979) by arguing that through the use of political appointments, presidents can generate a co-partisan bias that matches—and even exceeds—the advantage of the majority party.

Understanding the daily influence of political appointees has important implications for existing lines of inquiry into congressional-bureaucratic relations, agency behavior, presidential power, and policy implementation. First, studies of Congress and the bureaucracy typically focus on how institutional roles privilege particular legislators—largely setting aside the president's role. Second, informal congressional requests permit a rare analysis of many agencies simultaneously. It would be problematic to compare, for example, the provision of healthcare in the Veterans Administration

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[1]For a comprehensive review of this literature, see Moe (2012).

[2]For a review of this work, see Krause (2010).

(VA) with the licensing of nuclear power plants in the Nuclear Regulatory Commission (NRC), so existing research seldom analyzes the behavior of more than one agency. Third, while studies highlight the impact of political appointees on government programs (Huber and McCarty 2004; Krause, Lewis, and Douglas 2006; Lewis 2008), this article demonstrates their downstream effects on agency responsiveness to politicians. Moreover, these meaningful delays extend to congressional casework, affecting representatives' roles as intermediaries between constituents and the offices of government.

Extending standing accounts of agency behavior and recent work on the political implications of presidential control of the executive branch (Berry, Burden, and Howell 2010; Kriner and Reeves 2015; Rogowski 2016), I investigate the responsiveness of bureaucratic agencies to requests from individual members of Congress. In brief, I argue that though agencies have strong incentives to prioritize legislators with institutional leverage, political appointees also censor and delay responses— to the comparative benefit of the president's co-partisans. Leveraging an original dataset of over 24,000 requests to 13 agencies between 2007-2014 collected through a series of Freedom of Information Act (FOIA) requests, I find robust evidence that bureaucratic responsiveness to Congress is moderated by these presidential appointees. Though agencies tend to be responsive to the majority party, the policy-related requests members of the President's party are more prioritized, the greater the level of politicization. Moreover, across all requests, politicization has a *net negative* impact on responsiveness to Congress as a whole. These results are consistent across a wide variety of model specifications and supported by supervised and unsupervised text analysis of the subject of requests. I also complement these analyses by interviewing agency officials and congressional staff. The findings illustrate the daily impact of politicization on the operation of agencies among separate powers while raising additional questions about the influence of elected officials on bureaucratic decision-making.

Political Determinants of Bureaucratic Responsiveness

I study responsiveness by examining how agencies prioritize daily tasks generated by congressional contact. In this context, responsiveness is the level of "effort" or "priority" an agency places on a given request. This is somewhat distinct from prior research, which understands responsiveness as

either spatial disagreement between agent-selected outcomes and the preferences of elected principals,[3] or the favorable distribution of federal spending (e.g. Arnold 1979). There are good reasons to suggest that the process of prioritizing and fulfilling information requests warrants theoretical and empirical consideration alongside these outcomes.

First, complaints about agency responses are quite common in the congressional record.[4] Agency liaisons interviewed for this study described "frequent" complaints from members of Congress—in some cases, driven by "aggressive" constituents whose contact with congressional staff motivates offices to seek expedited resolutions.[5] Likewise, congressional staff indicated that non-response would generally be met with further questioning.[6] At a minimum, this suggests a baseline congressional preference: all else equal, members of Congress would like to receive a response as soon as possible. Thus, effort and prioritization (like federal spending) draw on finite resources and provide benefits to individual legislators.[7]

Second, effort and prioritization offers an observable outcome that comports with theoretical treatments of information sharing. The family of signaling models often used to study a variety of institutional settings typically assumes that the "receiver" cannot independently verify the veracity of the signal.[8] According to this conventional information asymmetry, legislators have limited

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[3]For recent reviews and evaluations of this vast literature, see Moe (2012) and Carpenter and Krause (2015).

[4]For example, in April 2013, Rep. Bill Posey (R-FL) recounted a recent interaction with the Department of Commerce—complaining it failed to reply to a letter in a timely manner or answer any of his questions: "They have no problem demanding [...] information from the private sector, but the government sector is completely unwilling to go through the least little amount of trouble to provide Congress with that same information." Congressional Record Vol. 159, No. 58: H2302-H2303 (Thursday, April 25, 2013), `http://www.gpo.gov/fdsys/pkg/CREC-2013-04-25/html/CREC-2013-04-25-pt1-PgH2302-2.htm`

[5]Interview with EEOC Official, May 12, 2016; interview with FAA Official, May 5, 2016.

[6]"Delay was a constant problem. [...] They delay all the time. The Department of Justice was notorious, we would send them questions and they would just never answer. And we would have to call into the agency and the liaison and the substantive people and the general counsel's office and have—we called them—a come-to-Jesus meeting to find out why they hadn't responded to us"(Interview with former Democratic staffer; June 22, 2017).

[7]In some cases, legislators make requests as groups. As I discuss later, the collective efforts of legislators is outside the scope of this study and poses additional measurement challenges.

[8]For a review of this literature, see Gailmard and Patty (2013).

capacity to evaluate the content of responses.[9] Though legislators may not know whether agencies are entirely truthful about the information provided, they observe responses and can infer they were not first on the "to-do" list.

To organize these data, I develop a theory of responsiveness to informal congressional requests. In brief, I argue that politicization influences the day-to-day responsiveness of agencies—as appointed managers censor and delay agency replies. Though this review is more heavy handed for members of the opposition party, the theory suggests that any degree of misalignment with presidential priorities reduces responsiveness. In other words, politicization depresses responsiveness to Congress as an institution—despite political favoritism of the president's party. I formalize this argument below. Here, the purpose of formalization is not to develop counter-intuitive "predictions" about the observed data. Rather, the model specifies the logical conditions under which the effects described hold in order to make explicit how politicization influences responsiveness.

Model

I present a model of bureaucratic responsiveness in which an individual legislator makes a request to an executive branch official. The official then decides how to prioritize the response and their decision is subject to *ex post* review from the agent's superior and a legislator—who has the ability to sanction the agent. The official is a theoretical stand-in for career civil-servants who work in legislative affairs at administrative agencies, whereas the manager stands-in for higher-ranking program and bureau heads who have the opportunity to review requests. I define responsiveness as the combined effort ($t \in [0, 1]$) exerted by the official and the inherent value of the information or services requested ($\gamma \in \mathbb{R}^+$), less the censorship or delay ($d \in [0, 1,]$) induced by managers,

$$r(t, d; \gamma) = t + \gamma(1 - d) \ .$$

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[9]In the words of one former staffer and agency official, "I think most agencies feel this way—our subject matter is pretty specialized and detailed. And so, I mean, I was a Hill staffer, there's no way you can understand what an agency does. You're dealing with too many things. Even if you specialize. [...] I had no idea of the complexity that I was getting from the agencies. And there's a lot of smart people on the Hill..."(Interview with agency official, June 26, 2017).

The official handling the request is assumed to want to exert as little effort as possible, while avoiding a costly (τ_b) sanction ($s \in \{0, 1\}$) from the legislator. This is consistent first-hand accounts of the process, as career liaison officials emphasize the efficient handling of the large volume of requests. This is distinct from appointed managers, whom one liaison reported harbor political sensitivities.[10] By sanction, I mean actions such as subpoenas, demands for testimony, and punitive legislation. As one former staffer put it, should agencies decline to respond, "There are various ways to put pressure on these people and get answers out of them."[11]

$$U_B = -t - qs\tau_b$$

Legislators prefer a more responsive agency, and can recover lost effort by sanctioning the official. Sanctioning and making a request ($c \in \{0, 1\}$) are costly (τ_s, τ_c). Legislators vary by their degree of alignment with the president ($a \in [0, 1]$) and their influence ($q \in [0, 1]$), which indexes the relative success of any sanction they might impose.

$$U_L = c(r + s[q(1 - t) - \tau_s] - \tau_c)$$

Managers are either political ($p = 1$) or neutral ($p = 0$). Like their subordinates, managers care about effort (but have no direct influence over it). Instead, they have the ability to censor the information or services provided in the request, which is costly in proportion to the severity of the censorship (τ_d). By construction, this information review is valuable only to the political manager, and γ is less damaging, the more aligned the legislator. This is the critical assumption that drives the results. Political appointees differ from their subordinates and careerist counterparts because they place value on the content of the response. This is in line with how existing research thinks of political appointees—as agents that embody the priorities of the sitting president (e.g. Lewis 2008). Moreover, it is consistent with first-hand accounts of the process. Agency officials in independent agencies believed that agencies who were "part of the administration" tended to inject politics into

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[10]Interview with EEOC Official, May 12, 2016.

[11]Interview with former Democratic congressional staffer, June 26, 2017.

request reviewing.[12] Note, the censorship term also implies and that political managers do not want to over-censor information (e.g. $d + a > 1$).

$$U_M = -t - p\gamma|1 - d - a| - \tau_d d$$

The game sequence is the following: Nature selects all parameters, which are common knowledge. The legislator decides whether or not to make a request. If they make a request, the bureaucrat selects a level of effort. The manager then decides on a level of censorship of the information. The legislator observes effort and responsiveness, and decides whether or not to sanction.

The solution concept is subgame perfection and is solved via backward induction. Proofs are omitted, given the following discussion. Since legislators recover effort through sanctioning, their action is a function of the influence of their sanction, and the cost of imposting it. Formally,

$$s^* = 1 \text{ iff } q(1 - t) > \tau_s \ .$$

Before moving to analyzing the implications of legislator alignment and politicization, it is immediately apparent that the condition above implies the minimum level of effort required for the bureaucrat to avoid sanction, $\hat{t}$. That is,

$$\hat{t} = \max\left[0, 1 - \frac{\tau_s}{q}\right]$$

so that minimum bureaucratic effort is increasing in legislator power and decreasing in the cost of imposing sanction.[13] Since the effort component of responsiveness is not tied to management, I specify the official's equilibrium behavior before turning to the behavior of managers. Let t^* be the

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[12] "You definitely hear about administration agencies [...] they're under the White House and that's more partisan. We always tried to respond to anyone who had an inquiry" (Interview with agency official; June 26, 2017).

[13] Note, restricting attention to $q > \tau_s$ implies legislator capacity to impose sanction outweighs the cost of doing so. Naturally, if it does not, they have no means to coerce bureaucratic effort.

level of effort warranted by a request, so that

$$t^* = \begin{cases} \hat{t} & \text{if } \hat{t} < q\tau_b \\ 0 & \text{otherwise.} \end{cases}$$

Again, the threshold of effort is increasing in the relative power of the legislator to sanction, and the direct cost of that sanction.

Turning to the effect of management, recall that by construction, neutral managers do not value the information component of the responsiveness to a request. Thus, it is immediately apparent that so long as $\tau_d > 0$, the neutral manager's best response is to not review a request: $d^* = 0$. Relatedly, legislator alignment does not influence the responsiveness of neutral managers. Political managers, however, review and censor requests. More specifically, in any equilibrium in which $\gamma > \tau_d$, the optimal level of review is proportional to legislator alignment,

$$d^* = 1 - a \text{ if } \gamma > \tau_d.$$

This implies that the political value of the response outweighs the price of delay. Thus, the model offers several straightforward predictions related to agency responsiveness for interepation, which I discuss in the following section. I describe the contact behavior of legislators in the appendix, since the results are intuitive and the topic is largely beyond the scope of this study. In summary, so long as the cost of contacting is sufficiently low, there is meaningful variation in responsiveness, but not the propensity of aligned and unaligned legislators to contact. Not surprisingly, the model also predicts the likelihood of contact is positively associated with legislator power and negatively associated with the cost of formulating a request. I present an empirical evaluation of these predictions in Appendix A.

Implications

Bureaucratic responsiveness is increasing in legislator power. This occurs because the career officials handling the requests anticipate that power and adjust their effort to avoid being sanctioned. This raises the question of how this parameter ought to be measured. In the context of the U.S. Congress, the most obvious legislators who wield this authority are committee chairs. Calling and scheduling

hearings falls within their direct purview.[14] As McGrath (2013) notes, hiring and supervision of committee staff provides chairs with expertise required to perform oversight, and an extensive literature places them at the center of the lawmaking process. In addition, though rank-and-file members of the majority party do not have the same expertise or institutional power of chairs, their collective voice wields tremendous power in the lawmaking process. Securing favorable legislation may hinge on the cultivation of a reputation of expertise and competence the bureaucrat could foster through the handling of congressional requests. Launching special investigations and final passage of punitive legislation requires a floor vote. Thus, the model implies that committee chairs and majority party members ought to be prioritized. It is also worth noting that this implication is broadly consistent with the reports of those interviewed. One former congressional aide said that agencies prioritized congressional requests, "they have their committees of jurisdiction and they would answer them first."[15] Another highlighted the strategic considerations of the agencies, noting that "the threat of [subpoenas] was sufficient to produce documents from agencies."[16]

As politicization increases, responsiveness to Congress decreases.[17] The model highlights the precise mechanism for this relationship. Since review of the information component of responsiveness is costly, managers must value its censorship to depress responsiveness. By construction, neutral managers do not. Note that, in "real-world" applications, this does not necessarily mean that neutral managers do not care about the content of requests, since γ can be thought of as valuable from the perspective of the political appointee, and by extension, the sitting president.

Most importantly, the model outlines the conditions under which this relationship holds. The most important of these is that there must be some degree of non-alignment. That is, if this relationship describes the data well, the implication is that political appointees always have an interest in reducing responsiveness, regardless of party—or, put differently, the goals of Congress in general are always have some degree of non-alignment with those of the political executive. I find some evidence, albeit anecdotal, that this is the case. Both agency officials and congressional staff saw the process of fulfilling requests, in general, as "adversarial." One former staffer is worth

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[14]As of the beginning of 2015, chairs in the House of Representatives have unilateral authority to issue subpoenas.

[15]Interview with former Democratic staffer, June 22, 2017.

[16]Interview with Democratic staffer, June 22, 2017.

[17]The model dichotomizes politicization for simplicity, but analogous results obtain if politicization is continuous.

quoting at length:

> It's hard to name a bigger supporter of the [Department] than my boss. [...] He constantly requested more funds for them, constantly supported them in jurisdictional fights. [...] Yet, our relationship with them on the type of thing you're talking about was still adversarial. Meaning, they were attempting to manage or limit the amount of information we would get. [...] This went on for the whole ten years that I was there. It's a very unusual, contradictory notion.[18]

Officials also believed that personnel changes had a "huge impact" on agencies. One former Democratic staffer mentioned a potential mechanism for one relationship formalized by the model: "After 20 years on the Hill, there would be many people in federal offices under Democratic presidents who had worked on the Hill—who I might have known from having worked on the Hill."[19] This highlights the key interaction between co-partisanship and personnel changes described in the following implication.

As politicization increases, responsiveness to presidential co-partisans increases. d^* implies that political managers censor less for more aligned legislators. Thus, aligned presidential co-partisans should pay a lower responsiveness penalty when the agency is politicized. It is also worth noting that this implication squares with the perceptions of some congressional staff. One former staffer summed up the behavior of agencies by stating, "They're always bad, and then if you're in the minority and it's not your party in the White House, it can be even more difficult."[20] In addition to the condition of minimum non-alignment described above, this relationship holds when the value of the information exceeds the potential cost of censoring it. Put differently, this pattern would not hold if appointees had significant practical barriers to filtering requests. Not surprisingly, in practice, these appointees make procedural changes to lower this cost. In other words, the approval process itself exists because appointees want to lower the barrier to reviewing pending responses.

Note, the previous two implications relied on an interpretation of γ as valuable information or services. Alternatively, this parameter could represent a competence penalty. Entertaining multiple interpretations of the same parameter is not often useful, but in this case, a competence penalty is consistent with prior research on public management (e.g. Light 1995; Lewis 2007). In this

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[18] Interview with former Republican staffer, June 23, 2017.

[19] Interview with former Democratic staffer, June 26, 2017.

[20] Interview with former Democratic staffer, June 22, 2017.

context, d would represent issue-specific competence related to some function performed by the agency. Political appointees would be assumed to pay a competence penalty, which is plausibly mitigated by the relative alignment of the legislator. Thus, the mechanisms of both censorship and incompetence are observationally equivalent, provided one assumes that aligned legislators mitigate the comparative ineptitude of appointees. The former interpretation is more consistent with first-hand accounts of request fulfillment, whereas the latter is consistent with related findings in prior work. No agency officials interviewed, for example, suggested that managers who were political appointees were inept. For this reason, I focus primarily on the censorship mechanism in the remainder of the article, but because officials may be reluctant to criticize their superiors, it is important to remember that I cannot adjudicate between these mechanisms in the context of this study.

Agency Correspondence

A dataset ideally suited to test the above argument would have three features. First, it would contain records from many administrative agencies—rendering any findings generalizable across the executive branch. Second, it would include a sufficiently long series of Congresses so that the relationships uncovered are less time-bound. Third, it would contain records of both congressional requests and agency responses so that an ideal measure of responsiveness could be extracted. Unfortunately, these three goals conflict in practice. As a result of decentralized record-keeping and the volume of records, it is infeasible to collect data with *both* ideal scope and measurement. Since the objective of this research is to produce generalizable findings about the nature of congressional-bureaucratic interactions, I constructed a dataset with the broadest possible scope.

In total, the dataset contains 24,845 requests made by individual members of Congress to administrative entities between 2007-2014.[21] Here, a "request" means any contact from a legislator

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[21]The dataset does contain several hundred "group" requests made by multiple legislators. Including would be problematic. Theoretically, including group requests requires incorporating some logic of coalition building into the model. Empirically, including group requests would mean making one of two modeling decisions: (1) assuming the name at the top of the list is the requestor, or (2) counting group requests like an individual request for each member of the coalition and switch most legislator covariates (party, party status, seniority, chair status) to composite measures. Thus, these requests seem to belong in a different class, so they have been excluded.

to an agency that elicits a response.[22] This includes traditional congressional casework as well as general inquiries related to agency policies. Distinguishing between types of requests is taken up as a measurement task in the following section and Appendix D, given the primary goal is to account for variation in the typical time or effort it takes to process different requests. The data are aggregated correspondence logs kept by agencies themselves and were collected through a series of Freedom of Information Act (FOIA) requests.[23]

In the data, agency correspondence with members of Congress covers a wide variety of policy areas and purposes. Some inquiries reflect classic examples of constituency service. For example, the Federal Labor Relations Authority (FLRA) adjudicates charges of unfair labor practices under 5 U.S.C. §7116. Thus, members of Congress routinely make inquiries that reference specific case numbers on behalf of an individual constituent. Moreover, the grant awarding functions of the National Science Foundation (NSF) generate a substantial proportion of the agency's inter-branch correspondence—as members write support letters for applicants seeking funding.[24] Though legislators often forward letters from concerned citizens, in other cases, they make inquiries about policy actions that are not on behalf of a particular constituent. Sen. Jack Reed (D-RI), for example, has expressed concerns over the Department of Veterans Affairs' (VA) use of social security numbers as an identifier. In the U.S., nuclear plants cannot be operated without obtaining a license from the Nuclear Regulatory Commission (NRC). In February 2011, Sen. Jim Inhofe (R-OK) sent the NRC a letter voicing concerns about the license renewal process. Legislators also routinely demand descriptions of recent agency actions and briefing sessions. For example, during financial crisis of 2007-2008, Rep. Mike Capuano (D-MA) requested a report from the Board of Governors of the Federal Reserve after it agreed to provide $25 billion to "bailout" Bear Stearns.[25]

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[22]Note, in a small subset of cases, no response was ever received. These observations are omitted since, in most cases, the correspondence required no response (e.g. "thank you for attending this event..").

[23]The bulk of these requests were made October 2014, many of which remain unfulfilled. Formal responses from each agency in the dataset are a matter of public record. These can be accessed via the corresponding agency's website, and will be provided by the author upon request.

[24]Political scientists might consider this fact during the next application cycle.

[25]Agency correspondence logs also include invitations to testify in committee. Since these letters do not satisfy the minimum condition of "seeking information" via informal correspondence and pertain to matters of scheduling, they have been excluded. Note also, because the Federal Reserve does not report employment data, they have been

Table 1 – Agencies and Time Series

Agency	From	To	N	Prop. Casework	Mean Response Time (Days)
Corporation for National & Community Service*	June 2009	Nov. 2014	660	0.96	22.3
Equal Employment Opportunity Commission	Jan. 2007	Nov. 2014	4,475	0.99	30.2
Federal Communications Commission	Jan. 2011	Nov. 2014	5,724	0.45	35.1
Federal Labor Relations Authority	Jan. 2007	Dec. 2013	63	0.9	13.9
Federal Trade Commission	Jan. 2008	Dec. 2009	121	0.18	24.6
Merit Systems Protection Board	Jan. 2007	Nov. 2014	515	1.00	15.0
National Science Foundation	Jan. 2008	Jun. 2015	1,087	0.53	18.8
National Labor Relations Board	Jan. 2011	Sept. 2014	165	0.98	43.9
Nuclear Regulatory Commission	Jan. 2007	Dec. 2010	179	0.16	50.2
U.S. Agency for International Development	Jan. 2007	Jan. 2014	1,088	0.44	139.3
Department of Veterans Affairs	Jan. 2010	Nov. 2014	3,125	0.41	104.2
Department of Interior	Jul. 2009	Dec. 2012	2,515	0.31	41.5
Department of Energy*	Jan. 2007	Sept. 2014	5,111	0.62	46.43

Note: N includes only those observations available for analysis; others that could not be included due to gaps in agency records—or those that where not correspondence from members of Congress—are excluded. *= indicates agency excluded from primary analysis (due to data limitations); robustness checks that include these agencies are reported in Appendix F.

Table 1 breaks down the dataset by agency and time series. Though the dataset represents a vast collection of inter-agency records, an agency's inclusion is a function of data availability. Of the 76 agencies originally queried, this is the subset that has (as of this writing) provided complete, usable correspondence logs.[26] Overall, the agencies in Table 1 vary greatly in size and function—providing a record that transcends any particular policy area. Moreover, in any given year, these agencies collectively spend in excess of $130 billion and employ over 400,000 people.

Those with passing familiarity with the administrative state will recognize that the dataset over-samples commissions and government corporations. This raises two related points. This first is whether institutional variation *across* agencies influences responsiveness. The agencies above vary meaningfully in terms of their structure and institutional independence (e.g. Selin 2015). These features likely influence responsiveness across agencies. But to be clear, analyzing that variation is methodologically problematic, and more importantly, providing in-depth explication of the effect of these features is beyond the scope of this paper. It is difficult to analyze response times between-agencies because agencies perform vastly different functions—which are undoubtedly cor-

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excluded from the analysis.

[26]Several agencies (the National Archives and Records Administration and the International Trade Commission, for example) provided logs that were incomplete, illegible, or otherwise unusable for the analysis below.

related with institutional structure. But it is important to note that since these characteristics are time-invariant, they will be accounted for by the fixed-effects design discussed in the following section. Moreover, as the theory suggests, the goal of this study is to understand how congressional characteristics and politicization influence responsiveness. Thus, understanding the effect of institutional variation across agencies is an important frontier for future work.

A second concern is the broader generalizability of the sample. I discuss this issue in more depth in Appendix E, but because this sample of agencies is, in general, *less* constrained by political actors, I believe that the results presented in the following section are conservative (biased toward 0). Overall, the findings may only generalize to agencies with similar levels of institutional independence. However, analyzing the behavior of a dozen agencies simultaneously provides a contribution that far outweighs this potential limitation.

Collecting evidence of congressional-bureaucratic relations on this scale provides a unique opportunity to evaluate the perspective laid out previously. However, it does require relying on an imperfect measure of responsiveness: the time between first contact and case closure. This outcome has several virtues. Metrics comparable across agencies are rare in the study of bureaucracy. Responding to individual congressional inquiries is a unique activity—in that all federal agencies do it. In addition, and in contrast to alternative strategies like content analysis, all later empirical analyses will be presented in terms of a readily interpretable unit: days. Ultimately, this decision is one of necessity. Correspondence logs *do not contain* the contact and response letters—such that no alternative content-based measure is available. This is a trade-off because response time may not perfectly capture *responsiveness* in the way that theory demands. Responsiveness might be multidimensional, and include other considerations like the quality of a response. For the following analysis, I directly observe time, but not quality. In other words, it is important to note that this measure better captures prioritization than it does the content of a response—which I leave for future research to examine.

Research Design

To get at the influence of partisanship, appointments, and legislator power, I pool all agencies, employing fixed-effects regressions to identify the qualities of interest. The unit of analysis is a

request made by a member of Congress to an agency. Formally, the basic structure of the aggregate models is

$$\ln(ResponseTime) = \beta_0 + \beta_1 Chair_{ijt} + \beta_2 CoPartisan_{it} + \beta_3 Majority_{it} + \beta_4 Politicization_{jt} +$$

$$\beta_5 PresParty_{it} * Politicization_{jt} + \boldsymbol{\gamma X}_{it} + \boldsymbol{\zeta X}_{jt} + \alpha_i + \delta_j + \phi_t + \epsilon$$

where i indexes legislators, j indexes agencies, and t indexes time. Here, α_i, δ_j, ϕ_t denote dummy variables for each legislator, agency, and year, and $\boldsymbol{X}_{it}$ and $\boldsymbol{X}_{jt}$ denote vectors of time-varying legislator and agency characteristics which I discuss in the following section. As a result of this model specification, the estimates leverage variation within an agency-legislator dyad across time.

Thus, identification in these models comes from four sources: appointment to (or removal from) a committee chair position, changes in presidential administration, changes in majority party within chamber, and variation in appointments over time. β_1 answers the following question: When a member of Congress becomes a committee chair, does their response time change?[27] This specification is useful, in that it allows me to control for unobserved factors that may influence an individual legislator's propensity to *become* a committee chair (or lose it) and response time simultaneously. Likewise, β_3 answers the question: When a member of Congress becomes a majority party legislator, do their response times within a given agency change? β_2 is an estimate of the effect of the change in presidential administration (where possible). Given the scope of the data, this means the presidential transition from George W. Bush to Barack Obama. In expectation, β_2 should be negative, indicating that Republicans were prioritized under Bush, and Democrats were prioritized under Obama. Because of the interaction term, this effect will be conditional on agency appointments. This will be driven by quarterly variation in political appointments over time.

A key advantage of this approach is that all time-invariant, unobserved characteristics of both legislators and the agencies they contact will be accounted for by fixed-effects.[28] Agencies vary meaningfully in their capacity to handle legislators' requests. This is apparent in the correspondence

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[27]During the time series in question, there was turnover in House and Senate standing committee chairs *within* periods of party control. That is, in the House 13 chair switches were not the result of changes in majority party status. In the Senate, there were 22 such switches. I discuss whether this turnover is sufficient in the following section.

[28]This includes agency ideology, which will likely be invariant during the period analyzed

logs themselves: some are *handwritten*, some are spreadsheets kept by a single individual, others are generated by complex record management systems. This is also reflected in the distribution of response times by agency, shown in Appendix E, Figure E4. While some agencies have strict manuals and procedures for accommodating requests that lead to clustering of responses, others appear to manage the process in a way that promotes delay. Thus, absent this specification, factors that might influence response times—such as heterogeneity in agency structure or request management procedure—might bias the estimates.

It is also important to be clear about ways in which this specification departs from the structure of the theory. Vectors of legislator and agency characteristics, as well as intercept shifts are meant to hold constant features of the observed world that are not accounted for by the formal model. Likewise, log-transformation of response time improves model fit but implies that members care about the the natural log of response time (rather than response time itself). Alternatively, control variables could be interpreted as moderating the effect of politicization on response time.[29]

Measurement

The dependent variable, *Response Time*, is the logged number of days between first contact and final response. This transformation was employed to normalize the distribution of response times, which are highly skewed: they range from from 1 (a next-day response) to 1,631 (or 4.5 years), with a median of 27 days. Figure E4 plots the kernel density of response times by agency, providing a visualization of this obvious non-normality. Because response times in excess of 10 months are extremely rare, one might worry that observations beyond that threshold are driving the results. I re-estimated each analysis, excluding these observations. Doing so does not substantively change the findings presented, so they are uncensored in the included results.

The first key independent variable is *Chair*, coded "1" if the legislator was the chairperson of a jurisdictionally–relevant standing committee.[30] To code committee jurisdictions, I use agency–

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[29]Because these specification decisions are informed by data limitations, not theory, I evaluate the robustness of the results by including other analyses. For example, Appendix F re-estimates the relationships as a GLM, modeling the count of days, as opposed to the log.

[30]Committee assignments through the 112th Congress come from Stewart (2011). I updated the data through the 113th Congress. Though I have included only standing committee chairs, I also investigated differences in

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reported jurisdictional overlap from the 2014 Survey on the Future of Government Service (Richardson 2015). These self-reported jurisdictions have the benefit of tapping bureaucrats' perception of the most relevant committee.[31] Another concern is that committee chair status will function as a weak proxy for seniority. To account for this, I include a simple count of Congresses in office. *CoPartisan* is a dichotomous indicator for whether the legislator and the President share partisan identification. *Majority* is an indicator variable coded "1" when the legislator is in the majority party of their given chamber. Committee leadership turnover is often a function of changes in majority party status—so inclusion of this variable also helps isolate the influence of chairpersons.[32]

Politicization is a ratio of the total number of political appointees in an agency over the number of career SES managers. A similar ratio has been employed by past work (Berry and Gersen 2017; Wood and Lewis 2015). As Lewis (2008) notes, measuring politicization as either the number of appointees or a ratio of the number of appointees to total employees is inappropriate. Larger agencies will have more appointees—irrespective of politicization. Moreover, a ratio of appointees to careerists would be driven by shifts in agency employment wholly unrelated to politicization. As in previous work, this ratio *does not* have an upper bound of 1 because the number of political appointees occasionally exceeds career managers. The sum of non-career Senior Executive Service (SES), Schedule C, and senate-confirmed political appointees (PAS) was obtained from the Office of Personnel Management's Fedscope database.[33] This information is reported quarterly by most

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responsiveness among subcommittee chairs and appropriations committee "cardinals." In replications of the models below with these variables included, none appears significantly different from rank-and-file members.

[31] Self-reported jurisdiction maps closely to a variety of other alternative sources. For instance, annual House oversight plans tend to reference the same committee–agency dyads. Moreover, jurisdiction in these oversight plans do not vary over the period considered, so using the 2014 survey is valid.

[32] Note, all variables are coded based on the date of initial contact. This is most appropriate because agency officials suggest that the prioritization decision is made, roughly at the time of contact. There are roughly 1,600 (depending upon the model) observations that span more than a single Congress.

[33] http://www.fedscope.opm.gov/. Acquiring accurate counts of PAS employees is notoriously difficult—with some relying on an alternative source, the *Plum Book*. However, this document is published only periodically—leaving much missing data. Though some discrepancies exist between the sources, the number of PAS employees appears relatively stable over time. Since my design leverages over time variation, any errors will have minimal impact on the estimates of β_4 and β_5.

agencies in the sample.

I also account for additional factors which vary over time within legislators and agencies. I include a dummy variable for whether a legislator served as the ranking minority member of the committee. In an era of congressional politics in which both parties have realistic probabilities of controlling each chamber, agencies may anticipate who could harm them in the future.[34] I also control for budget, which is the yearly appropriation for a given agency—as well as, staff, which is the total number of employees (reported on a quarterly basis). Both could plausibly influence an agency's ability to respond to a given request—as well as the partisanship of the request. Most importantly, I control for agency workload at the time of request, defined as the number of cases which have yet to receive a final response.[35] As Figure E3 demonstrates, workload provides a novel, granular measure of exogenous events and contact seasonality that may influence an agency's ability to respond to a given request, as well as the distribution of majority party and co-partisan requests. Agency officials described congressional inquiries in the wake of scandal as "feeding frenzies" motivated, in part, by political beliefs.[36]

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[34]For supplementary analyses, I included indicator variables for leadership positions. Again, majority party changes result in turnover of important leadership positions within both chambers and the key theoretical characteristic of legislators is the capacity to sanction. Thus, it would be inappropriate to treat a representative who becomes Speaker of the House as "just another legislator." I included indicator variables for House and Senate leadership positions in both the minority and the majority. Legislators are coded as part of the House majority leadership if they are appointed to one of the following roles: Speaker, Majority Leader, or Majority Whip. The corresponding minority positions are Minority Leader and Minority Whip. For the Senate, I classify the President Pro Tempore, Majority Leader, and Majority Whip as the majority leadership, and the Minority Leader and Whip as the minority. I combined individual leadership roles, providing an estimate of "leadership status" for the House Majority/Minority and Senate Majority/Minority legislators. Inclusion of these variables does not substantively change the main results because there is very little turnover in leadership positions independent of changes in majority party during the time series. For that reason, I do not report these results.

[35]Case truncation early in the time series means this variable has to be adjusted for missing cases. See Appendix E for details.

[36]Interview with former agency official, June 29, 2017; interview with agency official, June 26, 2017.

Supervised Coding of Casework

Another measurement task is distinguishing between different types of requests. Thus far, my discussion of congressional requests has been sufficiently broad to include nearly *any* contact between an individual legislator and an executive agency. I argue that bureaucratic responsiveness is valuable because it provides legislators with information and services that advance their goals. Any categorization of request type requires subjective decisions about "borderline" classifications. Given the volume of requests, an analysis adopting this approach may be sensitive to these choices. But ignoring differences in the content of requests is likely to have confounding effects for the purposes of the analysis.

Thus, I make the distinction between those requests which are classic examples of congressional casework, and those which are not. By "casework," I mean an inquiry made by a legislator on behalf of a particular constituent which pertains to services provided by the agency to that constituent. These requests typically place the office of the MC as a mediator between agency and citizen.[37] The residual category, then, is policy-related requests which do not serve a specific constituent. For example, when Barbara Boxer (D-CA) contacted the NRC about constituents' safety concerns regarding the San Onofre Nuclear Generating Station in San Clemente, CA, I classified her request as casework. When Boxer contacted the NRC about the commission's reactor licensing procedures, I classified her request as non-casework. At some level, all requests are about policy—regardless of whether they aim to serve a particular constituent. However, making this distinction is essential for modeling purposes, since some legislators may be more likely to make casework-related requests. All else equal, casework-related requests may take less time to fulfill, because they often require less coordination among offices.

To implement this classification, I used a straightforward, supervised learning procedure for text analysis of correspondence subjects—described in detail in Appendix D. Hand-coding tens of thousands of observations is time-consuming, expensive, and difficult to replicate. Instead, I hand-coded a small subset of subject lines which were then used to predict the category of the remaining requests. One important advantage of this approach is that alternative categorizations pursued in future research can be easily implemented. Overall, this method reproduced hand-coding extremely

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[37]Specific examples related to the agencies within the dataset can be found in Appendix D, Table D2.

well. Out-of-sample accuracy for V-fold cross validation ranged between 0.93-0.99, depending on the agency.

Results

To recap, I estimate least-squares regression models that include agency, legislator, and year fixed effects in order to identify the effect of partisanship and politicization. Agency fixed effects controls for both observed and unobserved time-invariant characteristics that may make agencies more or less capable of handling requests. Legislator fixed effects controls for constituency and office-based characteristics that render request more of less difficult to process. Year fixed effects takes into account year-specific shocks that may impact responsiveness.

As shown in Table 2, the estimation results strongly support the theory's implications.[38] The coefficients for majority party, politicization, and the key interaction between presidential co-partisanship and politicization are all statistically significant in the expected direction. After splitting the sample by casework and policy requests, I find that these majority party and presidential co-partisan effects are driven by policy-related contacts. Strikingly, however, the negative impact of politicization is consistent across all requests. The results are not sensitive to a myriad of alternative model specifications which I discuss later in the section. Overall, I find strong evidence that politicization depresses responsiveness in the bureaucracy. Though this sometimes redounds to the benefit of presidential co-partisans, it results in a bureaucracy less responsive to Congress more generally. I address each expectation in turn before discussing model dependency and alternative explanations.

Response Time and Legislator Power

The data provide strong support for majority party prioritization—yet, mixed evidence of advantages for committee chairs. More specifically, members of the majority party tend to receive responses 3 days, on average, faster than minority party legislators.[39] This effect is consistent across a variety of alternative specifications: both those reported in the main results in Table 2

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[38]Descriptive statistics for each variable are reported in Appendix E, Table E1.

[39]Or, alternatively, between a 1.6 and 4.4 day reduction based on a 95% confidence interval.

Table 2 – Modeling Agency Responsiveness to Members of Congress

Variable	All Requests (1)	(2)	(3)	(4)	Casework (5)	Policy (6)
Majority Party	-0.09^{***}	-0.09^{***}	-0.11^{***}	-0.12^{***}	-0.02	-0.14^{**}
	(0.02)	(0.02)	(0.03)	(0.03)	(0.03)	(0.06)
Presidential Co-Partisan	0.02	-0.03	0.02	0.02	-0.04	0.08
	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.11)
Politicization Ratio	0.21^{**}	0.62^{***}	0.78^{***}	0.65^{***}	0.34^{**}	0.68^{**}
	(0.10)	(0.11)	(0.11)	(0.14)	(0.13)	(0.31)
Co-Partisan $\times$ Polit. Ratio	-0.42^{***}	-0.27^{***}	-0.34^{***}	-0.38^{***}	-0.06	-0.82^{***}
	(0.11)	(0.10)	(0.10)	(0.10)	(0.10)	(0.25)
Committee Chair	-0.32^{***}	-0.31^{***}	-0.11	-0.12^{*}	-0.12	-0.08
	(0.05)	(0.05)	(0.07)	(0.07)	(0.11)	(0.11)
Committee Ranking	-0.04	-0.04	0.002	0.001	0.11	0.01
	(0.07)	(0.06)	(0.08)	(0.08)	(0.11)	(0.12)
Agency Budget (in billions)	0.03^{***}	0.02^{***}	0.02^{***}	0.02^{***}	0.03^{***}	0.02^{***}
	(0.001)	(0.003)	(0.003)	(0.003)	(0.004)	(0.004)
Staff (in thousands)	-0.01^{***}	-0.04^{***}	-0.03^{***}	-0.03^{***}	-0.05^{***}	-0.02^{***}
	(0.001)	(0.003)	(0.003)	(0.003)	(0.003)	(0.005)
Adj. Workload (in hundreds)	0.10^{***}	0.01	0.001	0.001	-0.02^{***}	0.02
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Casework	-0.16^{***}	-0.15^{***}	-0.15^{***}	-0.16^{***}		
	(0.02)	(0.02)	(0.02)	(0.02)		
Seniority	0.0003	-0.002	-0.10^{***}	-0.03	0.003	-0.05
	(0.002)	(0.001)	(0.01)	(0.02)	(0.02)	(0.04)
Constant	3.65^{***}	3.37^{***}	7.15^{***}	5.27^{***}	3.17^{***}	5.67^{***}
	(0.05)	(0.05)	(0.57)	(0.72)	(0.58)	(1.19)
Agency Invariant Controls	✓					
Legislator Invariant Controls	✓	✓				
Agency Fixed Effects		✓	✓	✓	✓	✓
Legislator Fixed Effects			✓	✓	✓	✓
Year Fixed Effects				✓	✓	✓
N	18,949	18,949	18,949	18,949	10,842	8,107
Adj. R^2	0.18	0.22	0.25	0.27	0.35	0.26

Note: dependent variable is the logged number of days from initial contact date to final response; least squares estimates with standard errors in parentheses; independence dimensions from Selin (2015) included as agency controls in (1); party & chamber dummies included as legislator controls for (1) and (2); fixed-effects and time-invariant controls omitted for readability but reported in Appendix F; two-tailed tests, $^*p<0.05$; $^{**}p<0.01$; $^{***}p<0.001$.

and robustness checks in Appendix F. As models (5) and (6) suggest, this effect is largely driven by policy-related requests.

At first glance, effect sizes of three or fewer days may appear to be marginal or unimportant. Recall however, that these cases represent legislator requests both on behalf of a constituent and those more generally related to policy. Thus, while any individual case is minimally significant (except, of course, to the legislators and constituents involved), this systematic difference constitutes a substantial advantage for presidential co-partisans in the aggregate. In addition, it is important to remember that in some cases, these effects will be much larger—since many requests follow more routine protocols not captured by any available measures. It is also helpful to consider one counterfactual. That is, suppose agencies engaged in politically motivated delays of several *months* rather than days. These differences would be highly visible to members of Congress and may provoke statutory regulation of the correspondence process. In this way, such delays likely constitute out-of-equilibrium behavior. By implication, agencies (and presidents) may only be capable of shifting priorities at the margins—resulting in patterns that only appear in the aggregate.

Overall, I find decidedly mixed evidence of committee chair prioritization. More specifically, after including legislator fixed-effects (facilitating a comparison of legislators before and after gaining chair status), the effect of committee chair status is inconsistent: it could be as low as zero or as large as an 8 day reduction. When relevant committee chairs are compared to rank-and-file legislators, on the other hand, the estimated effect is a 10 day reduction. This suggests two possibilities. First, committee chair status could be a proxy for relevant legislator knowledge or constituency interest that tends to result in lower response times. In this case, chair status in and of itself may not have an effect independent of those antecedent characteristics. Second, there could be insufficient turnover in committee positions to precisely estimate the effect of committee chair status. As noted earlier, this design relies on 35 within-majority turnovers in committee chair status for both the House and Senate. The data do not allow me to adjudicate between these possibilities, but it should be noted that both congressional staff and agency officials suggested that committee chairs were prioritized.[40]

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[40]According to one former staffer who worked for a committee chair: "The agency's going to be a lot more responsive if they know this is someone who's been around the block a few times and works for a senior member"(Interview with former Democratic staffer, June 26, 2017). According to one agency official, "You still prioritize chairmen and

Response Time and Presidential Control

How does co-partisanship and politicization influence agency response times? To contextualize the results in Table 2, column 4, consider the median request response time of 27 days. For an agency with zero political appointees (and thus, no politicization), I find no statistically distinguishable difference between co-partisan and opposing party legislators. However, as the politicization ratio increases to 1, presidential co-partisans can expect to see their request fulfilled 8 days earlier than the opposing party legislators.[41] I plot the marginal effect of this interaction for the full model in Figure 1. For readers who prefer to rely on agency and legislator specific, time-invariant controls (party, chamber, agency independence), the estimated difference in response time for Table 2, column 1 at a politicization ratio of 1 is 9.25 days. Again, this difference is very near zero (between a 1.6 day reduction and a 2.7 day increase in response time) when politicization is zero. Like majority party status, these results appear to be driven by policy-related requests. For policy requests, at a politicization ratio of 0, there is no distinguishable difference between co-partisans and opposition. At a ratio of 1, co-partisans have their requests fulfilled in 12 fewer days.

The results set up an interesting contrast between the majority party finding discussed in the previous section. For policy-related requests, at low levels of politicization, majority party status holds a distinct advantage over presidential co-partisanship. However, as politicization increases, co-partisanship reduces this advantage. This highlights a key contribution of these findings. The data suggest that presidents can alter the incentives of congressional liaisons to benefit co-partisans. Even when they lack a majority, politicization can render the bureaucracy more responsive to their requests.

It should also be noted that though typical quarterly movement of politicization within an agency is more modest than $0 \rightarrow 1$, there are still cases of substantial changes in the dataset. In some cases, this variation is driven by delays in the appointment process. For example, the transition from 2008-2009 and subsequent delays in confirmation resulted in a full year of vacancies in politically appointed positions in the U.S. Agency for International Development—resulting in a politicization ratio of zero. As these positions were filled in 2010, the politicization ratio increased

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there, you prioritize your chairmen of the committees that authorize your agency"(Interview, June 26, 2017).

[41]Computed as $\exp\left[\beta + \log 27\right] - 27$.

to 0.33, eventually rising as high as 0.41 during the Obama administration.[42] Other cases appear to be closer to layering—in that they are the result of an additional 2-3 non-career SES and schedule C appointees. I discuss this variation in-depth in Appendix E.

Figure 1 – Conditional Impact of President's Party on Response Time
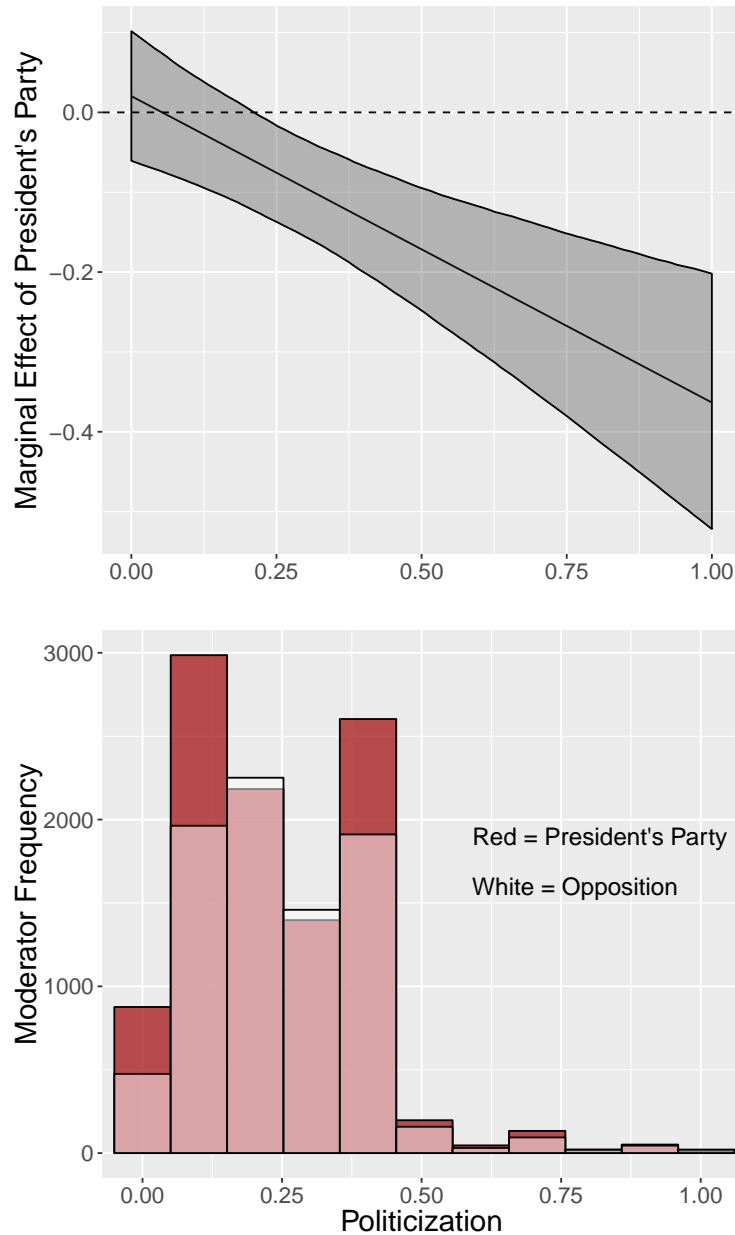
Note: Estimates of presidential copartisan coefficient simulated from results in model 4 in Table 2.

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[42]Of course, PAS variation does not account for the lion's share of change in the ratio. Changes in the number of career SES managers, schedule C, and non-career SES appointees are primary drivers of the politicization ratio.

The results also support the basic notion that all inquiries from Congress pose some political risk to the Executive. Despite the difference between co-partisan and opposing party legislators, politicization produces a *net negative* effect on agency responsiveness. These delays can be quite substantial. For the median request of an opposing party legislator, a politicization ratio of 1 is associated with a 25 day increase in response time, compared with the hypothetical absence of politicization. For presidential co-partisans—in keeping with the effect described in the previous section—this effect is dampened. For the results in column 4, presidential co-partisans requesting at a time in which an agency's politicization ratio is 1 can expect to have their response delayed 8 days, compared to the counterfactual appointee-free agency. As models (5) and (6) suggest, these results are consistent across both casework and policy-related requests. For casework requests, an increase in politicization from $0 \rightarrow 1$ results in an 11 day delay—for *both* the opposition and presidential co-partisans. To return to the running example of USAID, Figure E3 provides descriptive verification of this effect. As USAID political appointees were confirmed in 2010, response times increased—a trend which is reflected in an uptick in daily agency workload.[43]

Additional Robustness Checks

I describe several alternative specifications in this section to demonstrate that the main results are not sensitive to those decisions. I report the full results in Appendix F. First, the Department of Energy correspondence log includes a "due" date, as opposed to a date of final closure. For this reason, it may not be strictly comparable to the other agencies included in the dataset. On the other hand, the due date is not static or automatically set, so it may represent the level of priority given to particular requests. For this reason, I have re-estimated the results including the Department's log. I report these in Table F2. Overall, the magnitude of the interactive effect of politicization and co-partisanship slightly increases, whereas the conditional effect of politicization slightly decreases. In addition, due to the increase in sample size, the coefficients are generally

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[43]Other variables appear to have intuitive associations with response time. Casework tends to be completed 5 days earlier, on average—in keeping with fact that agencies typically develop streamlined protocols to handle these requests. Higher agency budgets are marginally associated with longer response times—a billion-dollar increase results in a half day increase in response time. An additional thousand employees is associated with a one day reduction. But given their magnitude, these variables can be considered evidence of no-effect.

more precisely estimated.

I also re-estimated the results using the logged number of political appointees as an alternative measure of politicization in Table F3. This increases the sample size to 19,700 because of the inclusion of the Corporation for National and Community Service (CNCS), which has zero career SES managers (so that the politicization ratio is undefined). This slightly depresses the interactive effect, but the main findings are not sensitive to this alternative specification. In Table F4, I report the results of a negative binomial regression with the untransformed number of days until response as a dependent variable. Again, the results remain substantively unchanged.

Another concern is that the research design relies on the transition from 2008–2009 to identify the effect of co-partisanship. Robustness checks suggest the findings are not sensitive to excluding 2013–2014 (see Table F5). But because of data limitations, I cannot limit the sample to the more narrow time-series. This would exclude most of the sample ($N = 3,847$), and would not allow me to identify the effect of the majority party. I return to this potential limitation in the discussion.

Moreover, given concerns raised by scholars looking to improve studies that estimate multiplicative interaction effects (Brambor, Clark, and Golder 2006; Hainmueller, Mummolo, and Xu 2016), it is important to note that there is sufficient common support to compute the effect of politicization across parties. If anything, the linear effects presented in Table 2 and Figure 1 *underestimate* the interactive effect at low values of politicization. The binning estimator recommended by Hainmueller, Mummolo, and Xu (2016) suggests the interactive effect is non-linear—with diminishing returns to politicization after a given threshold (Figure G2). Diagnostic results and alternative tests related to this interactive effect are reported in Appendix G.

Thus, the results presented here and reported in the supplementary material strongly suggest that executive agencies tend to prioritize the policy requests of presidential co-partisans as the president politicizes their leadership—in keeping with the expectations developed earlier. Moreover, across all requests, politicization has an adverse impact on responsiveness to Congress as a whole.

Request Heterogeneity by Party

The previous analyses suggest the results are not an artifact of estimation strategy, variable measurement, or the inclusion of particular agencies. In the reminder of this section, I explore an alternative explanation for those results: systematic differences in the content of requests by pres-

idential co-partisan and majority party legislators. The key concern is that legislators may change their requests *because* of their partisan status. For example, majority party legislators may make requests that are more easily fulfilled. Likewise, presidential co-partisans may change the content of their requests in a way that makes responding less difficult. In this case, the results would not be driven by the political and strategic incentives of the agency, as I have argued.

I investigated this concern two ways. First, I leveraged the contact descriptions provided in agency correspondence logs. I estimated a structural topic model (STM) of these descriptions to uncover systematic differences in contact subject across legislators (Roberts, Stewart, and Tingley 2015). In contrast to the supervised approach used to code casework, this approach allows the data to "speak for itself" given an assumed functional form. It also may provide important leverage on the question at hand. Major differences in topic prevalence across co-partisan/opposition and majority/minority party status would be cause for concern. By contrast, minor variation—especially those which are inconsistent with alternative explanations for the previous results—suggest the requests do not problematically differ by topic. As results reported in Appendix H suggest, there do not seem to be systematic differences across majority party and co-partisan legislators. Most differences are not distinguishable from zero. Others are weak in magnitude (< 0.02 in prevalence) and provide no alternative explanation for the finding that majority party legislators tend to have their requests returned earlier.

A key concern, however, is that these topical descriptions do not map cleanly onto the dimension of interest: difficulty. For this reason, I included a series of questions designed to investigate this concern in interviews. I asked aides who had served in the majority/minority and under Republican and Democratic administrations whether their requests changed. A few were reluctant to say so. One staffer was adamant, "Didn't matter who was president, what party, we tried to translate what the demands were of the constituents we represented [...] and the way my boss would want to respond to those constituents and we relayed, at every single opportunity, those demands to the agencies."[44] Another current staffer said, "I think in general, the type of requests don't change too much, the bigger change is on the level of responsiveness we get coming back at us."[45] Every

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[44]Interview with former Democratic staffer, June 26, 2017.

[45]Interview with Democratic staffer, June 23, 2017.

interviewee stressed that the majority of the requests are purely informational. One former staffer stressed that hostility is often directed not at the agency itself, but at private actors the agency has jurisdiction over.[46]

But other interviewees were more forthcoming about differences. One former Republican staffer said, "When it was the Obama administration, there would be much more hostile requests for information than when it was the Bush administration. It does matter who the President is."[47] A current agency official and former Democratic staffer put it this way: "When I came in, the agency didn't have many friends. No one was really trying to be nice to us or help us out. It was very adversarial. Especially the Republicans and especially when they took over. Every request was, 'We're going to draft this legislation, and you guys are going to have to do it. We don't want your feedback on whether it's in the right place in the [agency's] laws or what it's going to screw up.'"[48]

However, the variation the interviewees talk about is difficulty (e.g. number of hours required for document production). Instead, it seems to be that the requests themselves cover policies and topics that are inherently more "political" or relate to information that may be damaging to the agency. Importantly, this is consistent with the assumptions of my theory, which assumes that for political appointees, information requests are damaging (more so when directed by the opposition). My argument is that we ought to expect agencies to handle these differently when there are political managers in place to do the filtering. Nonetheless, it is important to note that some caution is warranted when interpretation these results because the difficulty of these requests goes unobserved. There appears to be more evidence (both qualitative and quantitative) to suggest that agency—not legislator—behavior is what drives these results. But that can only be systematically assessed with further study.

Further Implications

To further assess the credibility of the theory of responsiveness presented in this study, I also evaluate implications related to legislator request behavior. I report these findings in Appendix A. The limitations of the data discussed above suggest this is particularly important for this study. To

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[46]Interview with former Democratic staffer, June 22, 2017.

[47]Interview with author, June 23, 2017.

[48]Interview with agency official, June 26, 2017.

summarize, the model predicts that legislators with more influence and lower costs to formulating requests would be more likely to contact agencies. I aggregate the contact data reported in Table 2 to legislator-agency-congresses and predict contact with a vector of legislator characteristics that are plausible proxies for these concepts. I find that affiliation with oversight committees increases the likelihood of a request. Senators are also significantly more likely to make requests, and there is some suggestive evidence that more senior legislators request more often. Each of the above characteristics is typically thought of as an indicator of influence in Congress. Moreover, direct access to additional staff resources suggests these legislators would have lower barriers to contacting agencies. Thus, these additional findings are consistent with the predictions of the model.[49]

Discussion

In this article, I examined the way bureaucratic agencies respond to requests for information from Congress. Though they rarely make headlines, legislator information requests represent the vast majority of interactions between Congress and the administrative state. As a result, they are an important aspect of daily governance, and an avenue for democratic representation in the administrative state. But this system is not impartial. Bureaucratic agencies strategically prioritize requests so that responsiveness is conditioned by the system of separate powers in the United States. Contrary to existing research, which focuses on either presidential or congressional influence in relative isolation, agency responsiveness is a function of competing principals.

By implication, though agencies react predictably to majority party legislators, their responsiveness is critically influenced by the President through the mechanism of appointees. Agencies tend to prioritize requests from presidential co-partisans conditional on the level of politicization in a given agency, with more political appointees producing a sharper difference between co-partisans and opposition legislators. At certain levels of politicization, the co-partisan advantage can match or exceed that of majority party status. This point should not be understated. It provides a rare illustration of how presidential appointees influence the flow of information between Congress and the bureaucracy.

This article also suggests that political managers have a net-negative impact on responsiveness

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[49]Ritchie (2017) and Lowande (2017) also study legislator request behavior and find substantively similar results.

to Congress as a whole. Regardless of party, additional political appointees result in longer response times. I have discussed two possible mechanisms. The first extends program-focused studies that highlight the adverse consequences of politicization (Huber and McCarty 2004; Krause, Lewis, and Douglas 2006; Gallo and Lewis 2012) and provides an illustration of what Miller and Whitford (2016) call the "control paradox"—elected principals reduce the performance of agents in the act of making them more accountable. Alternatively, the net negative effect could be indicative of the more general, adversarial relationship between Congress and the executive branch. This is consistent with qualitative evidence and past research that suggests members of Congress, regardless of party, can benefit electorally from tasking the administrative state to task.

However, it is important to remember that this study has limitations to build on. First, the universe of informal congressional inquiries is vast, and the results may differ as more data becomes available. Second, the data only offer limited information about the difficulty of an inquiry and the quality of responses, meaning some additional assumptions are required for the above interpretations of the estimates are to remain valid. This study attempts to qualitatively assess these assumptions, but this has obvious limitations. Thus, given the novelty of the data for this area of study, there are ample opportunities to validate these findings through future work.

These requests also provide new opportunities for the study of bureaucracy. As Moe's (1989) seminal work highlighted, the organization of bureaucracies departs radically from technical efficiency because structural choices are made by interested political actors. In practice, the behavioral implications of this structure are difficult to analyze. Without a plausibly comparable function, variation among agencies cannot be leveraged for the purposes of addressing longstanding theoretical questions. I found that presidentially appointed personnel, one of many features of bureaucratic structure, has a measurable impact on agency responsiveness. But as the results suggest, institutional variation across agencies presents an opportunity for future work.

More broadly, examining agency correspondence presents a variety of other possibilities for studying the separation of powers. One clear way forward might be to determine whether the distribution of federal spending is facilitated by congressional requests. Ultimately, prior work studies outcomes (spending) and a vector of legislator characteristics—rather than legislative behavior. Direct requests to agencies may be one means members achieve those outcomes. An additional possibility might be to use congressional correspondence to study how legislators represent their

constituents. Yet another possibility would be to extend this analysis beyond Congress, since correspondence logs often contain contacts from governors and state legislators. Thus, shifting focus to this understudied behavior should continue to bear fruit.

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